

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 DANIELLE LATIMER,

CASE NO. C21-0856-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 AT&T MOBILITY LLC, *et al.*,

13 Defendants.

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on the parties' stipulated notice of dismissal of
18 Plaintiff's claims against Defendant AT&T Inc. and stipulated motion requesting that the Court
19 adopt the parties' proposed briefing schedule for Defendants' forthcoming motion to dismiss and
20 motion to compel arbitration (Dkt. No. 9).

21 A. Dismissal of AT&T Inc.

22 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a "plaintiff may dismiss an
23 action without a court order by filing . . . a stipulation of dismissal signed by all parties who have
24 appeared." Here, the parties nevertheless request that the Court enter a proposed order filed with
25 their stipulation. Although Rule 41 governs dismissal of an "action," the Ninth Circuit has held
26 that a "plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice."

Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). The parties have stipulated to dismissing all claims against AT&T Inc. without prejudice, and the stipulation is signed by all parties who have appeared. (See Dkt. No. 9.) Thus, under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the stipulation is self-executing. All claims against AT&T Inc. are DISMISSED without prejudice and without costs to any party, with each party to bear its own attorney fees and other litigation expenses.

B. Sequencing of Motion to Dismiss and Motion to Compel Arbitration

Finding good cause, the Court GRANTS the parties' motion regarding the sequencing of Defendants' forthcoming motion to dismiss and motion to compel arbitration. Defendants shall file their motion to dismiss no later than July 26, 2021 and their motion to compel arbitration no later than 30 days after the Court rules on the motion to dismiss.

DATED this 14th day of July 2021.

Ravi Subramanian
Clerk of Court

s/Paula McNabb
Deputy Clerk